

### **REMARKS**

This responds to the Office Action dated May 28, 2008. Claims 16 and 31 are amended. Claims 16-26 and 31-38 are pending in this application.

#### *§103 Rejection of the Claims*

1. Claims 16, 20-21, 23-25, 31-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cseri et al. (US 2003/0046317 A1, "Cseri") in view of Petersen et al. (US 2005/0144556 A1, "Petersen"). Applicant respectfully traverses the rejection.

Applicant does not admit that Petersen is prior art and reserves the right to swear behind the Petersen reference at a later date.

Applicant respectfully submits that obviousness does not exist for these claims because Cseri, Petersen, and/or the reasoning of the Office Action do not disclose, teach, or suggest the subject matter of these claims.

For example, Applicant cannot find in the references or in the reasoning of the Office Action's reasoning, any disclosure of, among other things,

an XML document processing module, including a compression module configured to compress an XML document into a compressed binary stream and to convert the binary stream into text and format the text so as to form a compressed valid XML document,

as presently recited in claim 16 and incorporated into claims 20-21 and 23-25, and similarly presently recited in claim 31 and incorporated into claims 31-35.

The Office Action concedes that Cseri does not explicitly disclose the XML documents are compressed valid XML documents as recited in the claims, but states that Petersen teaches XML documents are compressed valid XML documents with elements and attributes in shot tokens.<sup>1</sup>

However, Petersen refers to compression by tokenization.<sup>2</sup> Petersen states that a token is a derived XML data type and is limited to the set of XML data types length, minLength, pattern,

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<sup>1</sup> Office Action, pg. 4.

<sup>2</sup> Petersen, ¶0064.

enumeration, and white space.<sup>3</sup> Therefore, Petersen with Cseri does not teach or suggest compressing an XML document into a compressed binary stream, as presently recited in the claims.

Additionally, the M.P.E.P. states that Graham v. John Deere Co. should be followed in the consideration and determination of obviousness under 35 U.S.C. § 103. The four factual inquiries enunciated in Graham include ascertaining the differences between the prior art and the claims at issue. M.P.E.P. § 2141. Ascertaining the difference between the prior art and the claims at issue includes considering a reference in its entirety, including disclosures that teach away from the claimed invention. M.P.E.P. §2141.02.

Cseri states that “binary formatting minimizes parsing time and the generation of overhead incident to the formatting and parsing of data,” and that “binary as utilized herein is in contradistinction to ASCII, or text based character representations.”<sup>4</sup> Thus, Cseri teaches away from converting “compressed XML document into text so as to form a compressed valid XML document.”

Further, one of ordinary skill in the art would not reasonably be led to combine Cseri with Petersen. As set forth above, Cseri states that “binary formatting minimizes parsing time and the generation of overhead incident to the formatting and parsing of data.” Petersen states that de-tokenization of the XML document typically takes place during parsing.<sup>5</sup> Thus, one of ordinary skill in the art would not reasonable be led to combine the parsing-required tokenizing of Petersen with the parsing-time minimizing binary formatting of Cseri.

Consequently, Applicant respectfully requests reconsideration and allowance of claims 16, 20-21, 23-25, 31-35.

2. Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cseri and Petersen as applied to claim 16 above, and further in view of Girardot et al. (US 2003/0023628 A1, “Girardot”). Applicant respectfully traverses.

Claim 17 depends on base claim 16. As set forth above, Applicant believes base claim 16 to be allowable at least for the reason that Cseri with Petersen fails to provide some of the

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<sup>3</sup> Petersen, ¶0034.

<sup>4</sup> Cseri, Abstract and ¶0155.

<sup>5</sup> Petersen, ¶0067.

elements of the base claim. Girardot fails to teach or suggest the missing elements. Applicant respectfully requests reconsideration and allowance of claim 17.

3. Claims 18-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cseri, Petersen, and Girardot, as applied to claim 17 above, and further in view of Tycksen, Jr., et al. (US 6,189,097, "Tycksen"). Applicant respectfully traverses.

Claims 18 and 19 ultimately depend on base claim 16. As set forth above, Applicant believes base claim 16 to be allowable at least for the reason that Cseri with Petersen fails to provide some of the elements of the base claim. Neither Girardot nor Tycksen, whether viewed separately or in combination with the other references, teach or suggest the missing elements. Applicant respectfully requests reconsideration and allowance of claims 18 and 19.

4. Claims 22, 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cseri and Petersen as applied to claims 16 above, and further in view of Ma et al. (US 2005/0063575 A1). Applicant respectfully traverses.

Claim 22 depends on base claim 16 and claim 34 depends on base claim 31. As set forth above, Applicant believes base claims 16 and 31 to be allowable at least for the reason that Cseri with Petersen fails to provide some of the elements of the base claim. Ma fails to teach or suggest the missing elements. Additionally, Applicant does not admit that Ma is prior art and reserves the right to swear behind the reference at a later date.

Applicant respectfully requests reconsideration and allowance of claims 22 and 34.

5. Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cseri and Petersen as applied to claim 16 above, and further in view of Hsu et al. (US 2004/0205158, "Hsu"). Applicant respectfully traverses.

Claim 26 ultimately depends on base claim 16. As set forth above, Applicant believes base claim 16 to be allowable at least for the reason that Cseri with Petersen fails to provide some of the elements of the base claim. Hsu fails to teach or suggest the missing elements.

Applicant respectfully requests reconsideration and allowance of claim 26.

Claims 36-38

The Office Action apparently did not provide a detailed reason for the rejections to claims 36-38, but only mentions their rejection on page 1. Claim 36 depends on base claim 16 and claims 37 and 38 ultimately depend on base claim 31. Applicant believes claims 36-38 to be allowable at least for the reasons regarding their base claims set forth above. Accordingly, Applicant respectfully requests allowance of claims 36-38.

### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 371-2172 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17<sup>th</sup> day of September, 2008.

CANDIS BUENDING

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Signature

